UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,901	03/12/2002	Marwan Anwar Jabri	021318-000110US	3677

20350 7590 12/02/2008

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER	
AILES, BENJAMIN A	

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
12/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/099,901	JABRI, MARWAN ANWAR	
	Examiner	Art Unit	
	BENJAMIN AILES	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,9-11,16-19,28 and 31-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,9-11,16-19,28 and 31-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to correspondence filed 25 August 2008.

2. Claims 1, 2, 4, 9-11, 16-19, 28 and 31-37.

Claim Objections

3. Claim 4 is objected to because of the following informalities: Claim 4 currently depends on canceled claim 3. For examination purposes, claim 4 will depend on claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 2, 4, 9-11, 16, 18, 19, 28, 31-37 rejected under 35 U.S.C. 103(a) as being unpatentable over Lai et al. (US 6,593,860), hereinafter referred to as Lai, in view of Bruno et al. (US 6,262,978 B1), hereinafter referred to as Bruno.

6. Regarding claim 1, Lai teaches a system for transferring multimedia information from a source location (fig. 1, item 104) to a destination location (fig. 1, item 102) through one or more networks (fig. 1, item 106), the system comprising:

a source input (fig. 1, item 104) adapted to receive a first stream of information (col. 7, ll. 21-23, transmit media content) in a first protocol characterized by one of a plurality of source capabilities (col. 7, ll. 44-50, content provider provides multimedia

files in various well-known formats including MPEG, AVI, MP3, REAL, WINDOWS MEDIA, QUICKTIME, H.263 video coding);

a destination output (fig. 1, item 102) adapted to transmit a second stream of information (col. 7, ll. 15-16, viewer client is capable of receiving media content) in a second protocol characterized by one of a plurality of destination capabilities, the second protocol being a different protocol than the first protocol (col. 7, ll. 15-20, viewer client is capable of viewing content in various well known encoded formats including but not limited to MPEG, AVI, MP3, REAL, WINDOWS MEDIA, QUICK TIME, and H.263 video encoding.).

Lai teaches further the PTS comprising the step to determine a first set of common capabilities between the PTS and a source terminal associated with the first stream of information through a first capability negotiation process, the first capability negotiation process comprising receiving the plurality of source capabilities and transmitting a first plurality of capabilities (Lai, Fig 6 and col. 21, lines 44-48); determine a second set of common capabilities between the PTS and a destination terminal associated with the second stream of information through a second capability negotiation process, the second capability negotiation process comprising transmitting the second set of capabilities and receiving a second plurality of capabilities (Lai, col. 21, ll. 53-57); identify a source capability of the plurality of source capabilities and identify a destination capability of the plurality of destination capabilities (Lai, col. 21, ll. 53-57); a selection module adapted to select a transcoding process based upon the source capability and the destination capability (Lai, col. 10, ll. 50-57); a media channel

processing (Lai, col. 9, ll. 37-41, determine optimal destination type by independent tests; col. 11, ll. 10-14, usage statistics); a rate control module coupled to the media channel processing module adapted to vary an output bit rate during an existing session associated with the second stream of information (col. 17, ll. 25-27, destination type includes bit rate desired; col. 18, ll. 39-47, streaming media data can be changed dynamically based on network conditions); and a real-time transcoding module coupled to the rate control module and adapted to use the selected transcoding process and the output bit rate to process the first stream of information (Lai, col. 10, ll. 50-57).

Lai teaches the use of a proxy transcoder ("PTS") (fig. 6, item 218, col. 3, ll. 51-55, transcoder transcodes media content) coupled between the source input (fig. 6, item 610) and the destination output (fig. 6, item 650). Lai teaches wherein the PTS (fig. 6, item 218) is adapted to perform transcoding of multimedia system protocols, one or more audio streams, and one or more video streams (col. 7, ll. 57-61, transcoding engine transcodes media content from a source type to a destination type) but does not explicitly teach "the multimedia system protocols selected from the group consisting of H.323, H.324, and SIP" and a call signaling interface module adapted for call setup associated with multimedia system protocols selected from the group consisting of H.232, H.324 and SIP." However, in related art, Bruno teaches in a video telephone/teleconference call environment the call conversion process between, for example, H.320 standard to a packetized voice call, H.323, or a similar protocol (see Bruno, col. 3, ll. 34-53) and therefore teaches in the art that it would have been well known to one of ordinary skill in the art to incorporate a call signaling interface that

utilizes well known multimedia system protocols like H.320, or H.323, as recited in claim 1. Because the combination of Lai and Bruno does not explicitly teach the usage of the multimedia system protocols H.324 or SIP, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize well known multimedia system protocols like H.324 or SIP in a call conversion process as taught by Bruno. Therefore, in view of Bruno, one of ordinary skill in the art at the time of the applicant's invention would have found it obvious for the PTS as taught by Lai in figure 6, item 218, and the call signaling interface taught by Bruno, to support other multimedia system protocols like H.320, H.323, H.324 and SIP. One of ordinary skill would have been motivated to make this combination as taught by Bruno wherein it is advantageous to enable a teleconference call between a circuit switched network user and a packet network user which teaches the conversion of multimedia system protocols like H.320, H.323, H.324 and SIP utilizing a multimedia gateway (Bruno, col. 1, line 64 – col. 2, line 11).

7. Regarding claim 2, Lai and Bruno teach the system wherein the one or more transport networks are selected from a group comprising the Internet, a mobile network, a wide are network, a local area network, PTSN, ISDN, and SONET (Lai, col. 6, ll. 52-61).

8. Regarding claim 4, Lai and Bruno teach the system wherein the capability module identifies at least one of the output and input of the first device, based on information stored in the device, based on user subscription information stored in a network database of the user's service provider, based on in-band information

command and control within a stream exchanged, or pre-set by the service provider (Lai, col. 9, ll. 45-58).

9. Regarding claim 9, Lai and Bruno teach the system wherein the rate control module detects the network status information by using in-band bit-rate instructions (Lai, col. 15, ll. 23-31).

10. Regarding claim 10, Lai and Bruno teach the system wherein the rate control module regulates the output bit rate by changing transcoding parameters (Lai, col. 21, ll. 36-38).

11. Regarding claim 11, Lai and Bruno teach the system wherein the rate control module regulates the output bit rate by instructing network equipment to give a higher priority to data being handled by the PTS than other data (Lai, col. 16, ll. 60-66).

12. Regarding claim 16, Lai and Bruno teach the system wherein the PTS further comprises an intellectual property rights management module to manage and process information on intellectual property rights (Lai, col. 15, lines 23-26).

13. Regarding claim 18, Lai and Bruno teach the system wherein the rate control module regulates the output bit rate dynamically and in real time (Lai, col. 14, ll. 43-49).

14. Regarding claim 19, Lai and Bruno teach the system wherein the real-time transcoding module is programmable to transcode between various types of capabilities for the source output and various types of capabilities for the destination input (Lai, col. 10, ll. 50-57).

15. Regarding claim 28, Official notice is taken that 3GPP-324M was old and well known in the art. It would have been obvious to one of ordinary skill in the art at the

time of the applicant's invention to include 3GPP-324M with what is taught by Lai and Bruno because 3GPP-324M is commonly used in mobile phone systems.

16. Regarding claim 31, official notice is taken that the utilization of the system protocol H.245 was old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include H.245 in combination with what is taught by Lai and Bruno because H.245 was well known to be a system protocol used in call signaling procedures.

17. Regarding claim 32, official notice is taken that the utilization of the system protocol SDP was old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include SDP in combination with what is taught by Lai and Bruno because SDP was well known to be a system protocol used in call signaling procedures.

18. Regarding claim 33, Lai and Bruno teach the system further comprising:

a second source output adapted to provide a third stream of information in the first protocol characterized by one of a plurality of source capabilities (col. 6, ll. 37-43 and col. 21, ll. 44-48); and

a second real-time transcoding module adapted to use a second transcoding process to process the third stream of information (Lai, col. 6, ll. 37-43 and col. 21, ll. 39-41), wherein:

the capability exchange module is further adapted to determine one or more characteristics of a second media channel coupled to the second source

output and adapted to support the third stream of information (Lai, col. 6, ll. 37-43 and col. 21, ll. 44-48); and

the selection module is further adapted to select the second transcoding process (Lai, col. 6, ll. 37-43 and col. 10, ll. 50-57).

19. Regarding claim 34, Lai and Bruno teach the system wherein the first media channel comprises a video channel and the second media channel comprises an audio channel (Lai, col. 6, ll. 54-58).

20. Regarding claim 35, Lai and Bruno teach the system wherein the second stream of information comprises a transcoded stream of media converted for transport in the second protocol (Lai, fig. 6 and col. 21, ll. 53-57).

21. Regarding claim 36, Lai and Bruno teach the system further comprising performing a second capability exchange process defined by the second protocol to provide one destination capability of the plurality of destination capabilities (Lai, fig. 6 and col. 21, ll. 53-57).

22. Regarding claim 37, Lai and Bruno teach the system wherein the second capability exchange process translates one or more of the plurality of source capabilities to provide one or more of the plurality of destination capabilities (col. 21, ll. 39-41).

23. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai and Bruno in view of Floyd et al. (US 7,003,584 B1), hereinafter referred to as Floyd.

24. Regarding claim 17, Lai and Bruno teach the transcoding of media as outlined in the rejection of claim 1 but does not explicitly teach the encryption and decryption of data. However, in related art, Floyd teaches a transcoder in which data is

encrypted/decrypted for added security (Floyd, col. 1, lines 15-24). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to utilize encryption/decryption techniques when transcoding media data as taught by Floyd in combination with the media transcoding methods disclosed by Lai. One of ordinary skill in the art would have been motivated to make such a combination for added security (Floyd, col. 1, lines 15-24).

Response to Arguments

25. Applicant's arguments filed 25 August 2008 have been fully considered but they are not persuasive.

26. With respect to the rejection of claim 1 under 35 USC 103(a) in view of Lai (US 6,593,860) and Bruno (US 6,262,978), applicant argues (a) that the cited prior art does not teach "a call signaling interface module adapted for call setup associated with multimedia system protocols selected from the group consisting of H.323, H.324 and SIP."

27. With respect to argument (a), the examiner respectfully disagrees and maintains that cited prior art, Lai and Bruno, in combination with what was old and well known in the art teach the argued limitation as set forth in the rejection. Lai does teach the handling of multimedia system protocols like H.320, but, as set forth above, does not explicitly teach the call signaling interface as claimed. The examiner submits that the secondary reference of Bruno teaches on this newly added claim feature. Bruno teaches the call signaling interface in column 3, lines 34-36, that at least handles H.323 system protocol in column 3, lines 34-53. Bruno teaches the call signaling to handle

H.320 to H.323 conversion and also other similar protocols. As set forth above, the protocols H.324 and SIP are deemed to be within the scope of what is deemed similar protocols with respect to what is old and well known in the art with respect to video telephone/teleconferencing multimedia system protocols. Therefore, in view of what is taught by the cited prior art and old and well known in the art, claim 1 and the corresponding dependent claims are not deemed patentable.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Ailes whose telephone number is (571)272-3899. The examiner can normally be reached Monday-Friday, 5:30-8:30AM, 1:00-6:00PM, IFP Hoteling schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. A. A./
Examiner, Art Unit 2442

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2442